

4. Additionally, Petitioner has a right to intervene in this action because he has interests in the subject of the action, and because disposition of this case without his involvement may as a practical matter impair or impede his ability to protect his interests. Fed. R. Civ. P. 24(a)(2). Further, his ability to protect his interests will likely be impaired if not all of his claims are properly before the Court.

5. Alternatively, Petitioner maintains that he should be allowed to intervene pursuant to Fed. R. Civ. P. 24(b)(2), which governs the intervention of parties by permission, as Petitioner states claims and those in this action have common issues of law and fact.

6. Allowing Petitioner to intervene and to assert his additional claims will not in any manner, delay the hearing or disposition of this matter nor raise any jurisdictional or venue issues.

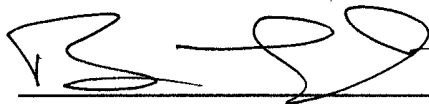
7. A copy of the Petitioner's proposed complaint in intervention is attached to this motion as Exhibit A.

8. No party opposes this motion.

WHEREFORE, Petitioner Michael Rappé moves the Court to:

- A. Allow him to intervene in this action as a matter of right, or, in the alternative, exercise the Court's discretion to allow his permissive intervention;
- B. Order that the attached Complaint in Intervention be filed on his behalf; and
- C. Permit Michael Rappé to participate fully in all phases of this action and to recover all relief to which he may be entitled.

Respectfully submitted,



BRIAN EAST

Texas Bar No. 04653400

BETH MITCHELL

Texas Bar No. 00784613

ADVOCACY, INC.

7800 Shoal Creek Blvd., Suite 171-E

Austin, Texas 78757

(512) 454-4816 Phone

(512) 454-3999 Fax

Email: beast@advocacyinc.org

Email: bmitchell@advocacyinc.org

CERTIFICATE OF SERVICE

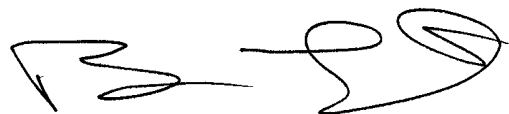
I hereby certify that on this 28th, day of December, 2009, a true and correct copy of the foregoing document, in electronic form, was sent to the person listed below in accordance with the Local Rules for the U.S. District Court for the Western District of Texas:

Local Rules for the U.S. District Court for the Western District of Texas:

Edward Juarez
Judith Taylor
Equal Employment Opportunity Commission
5410 Fredericksburg Rd., Ste. 200
San Antonio, Texas 78229

Robert A. Canino
Equal Employment Opportunity Commission
207 S. Houston St., 3rd Fl.
Dallas, Texas 76051

Jaime Mata
Paul Andrew Drummond
AT&T Texas
1010 N. St. Mary's, 14 Fl.
San Antonio, Texas 78215



Brian East

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

AT&T, Services, Inc., dba Southwestern
Bell Telephone Company, L.P.,

Defendant.

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CIVIL ACTION NO. A-09-CA-700-JN

ORDER

Before the Court is Michael Rappé's Unopposed Motion to Intervene. The Court having reviewed the motion along with the record finds that it should be, and hereby is, GRANTED.

So ORDERED and SIGNED this ____ day of _____, _____.

JUDGE PRESIDING